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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

MARTHA ALICIA MONTOY,

Defendant and Appellant.

D053010

(Super. Ct. No. SCD208549)

APPEAL from a judgment of the Superior Court of San Diego County, Margie G. Woods, Judge. Affirmed.

Martha Alicia Montoy pleaded guilty to five counts of burglary (Pen. Code, § 459),¹ four counts of grand theft (§ 487, subd. (a)) and one count of receiving stolen property (§ 496, subd. (a)) under *People v. West* (1970) 3 Cal.3d 595. Montoy also admitted that she had three prior probation denial convictions (§ 1203, subd. (e)(4)). In return, Montoy was given an indicated sentence of three years. Montoy was sentenced in accordance with the indicated sentence.

¹ Statutory references are to the Penal Code.

The trial court granted Montoy's request for a certificate of probable cause.

FACTS

Between March 7, 2007 and August 6, 2007, Montoy committed five commercial burglaries of offices in Mission Valley. Posing as a member of the cleaning crew, Montoy entered the offices between 5:00 p.m. and 7:00 p.m. The next morning employees would find computers and other office supplies missing. In one of the burglaries, a surveillance camera photographed Montoy leaving the building.

DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal, but asks that this court review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible, but not arguable, issues: (1) whether the court erred by denying Montoy's *Marsden* (*People v. Marsden* (1970) 3 Cal.3d 118) motions; (2) whether the court erred by denying Montoy's motion to withdraw her guilty pleas; (3) whether the court erred by denying probation; and (4) whether the court erred by imposing the upper term of three years on the first burglary count.

We granted Montoy permission to file a brief on her own behalf. She has not responded.

A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738, including the possible issues referred to by

appellate counsel, has disclosed no reasonably arguable appellate issues. Competent counsel has represented Montoy on this appeal.

DISPOSITION

The judgment is affirmed.

McCONNELL, P. J.

WE CONCUR:

BENKE, J.

IRION, J.